

**UNITED STATES DISTRICT COURT
IN THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

JOE A. COOK

v.

**WARDEN ERNEST H. GUTIERREZ,
ET AL.**

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Civil No. 2:09-cv-216

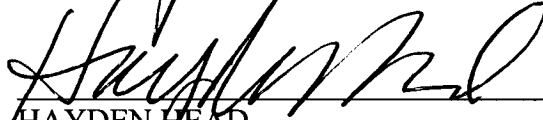
ORDER DENYING MOTION TO REINSTATE CASE

In this case, *pro se* Plaintiff Joe A. Cook challenges his placement in solitary confinement for 110 days. *See* 42 U.S.C. §1983. On January 27, 2010, this Court dismissed Plaintiff's lawsuit as frivolous and for failure to state a claim. Pending before the Court is Plaintiff's motion to reinstate his case. The United States Magistrate Judge construes Plaintiff's motion as a motion to alter or amend the judgment under FED. R. CIV. P. 59(e). She recommends the Court deny Plaintiff's motion because he has not demonstrated a manifest error of law or fact and has not presented any new evidence. *See In re Transtexas Gas Corp.*, 303 F.3d 571, 581 (5th Cir. 2002). Plaintiff filed no objection.

The Court regards such omission as Plaintiff's agreement with and acceptance of the Magistrate Judge's findings. When no timely objection to the Magistrate Judge's Memorandum and Recommendation is filed, the Court need only satisfy itself that there is no "clear error" on the face of the record in order to accept the Magistrate Judge's recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto. Ass'n.*, 79 F.3d 1415, 1420 (5th Cir. 1996)). The Court finds no error in the Magistrate Judge's memorandum and adopts her findings and conclusions.

Plaintiff's motion to reinstate is DENIED (D.E. 18).

ORDERED this 1st day of April, 2010.


HAYDEN HEAD
SENIOR U.S. DISTRICT JUDGE